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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1408th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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GE.00-43737 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Initial, second and third periodic reports of Slovakia (CERD/C/328/Add.1) (continued)

1. At the invitation of the Chairman, the members of the delegation of Slovakia resumed their places at the Committee table.

2. Mr. PETŐCZ (Slovakia) thanked the Committee members for their comments and questions. Their request for more precise information was understandable and he trusted that the updated report distributed at the previous meeting would answer some of their questions.

3. Slovakia had become independent on 1 January 1993. Prior to that date, it had been both a unitary and a federal State, and had enjoyed independence from 1939 to 1945. The historical development of the country had meant that the Slovak population was very diverse in terms of its ethnic structure, 85 five per cent being of Slovak origin, 10.6 per cent Hungarian and 1.6 per cent Roma. Discrepancies in the available data concerning, for example, the number of Roma could be explained by the fact that the most recent official census had been conducted in 1991 and that in the census people had been asked what their ethnic origin was in relation to their native language. Six hundred and eight thousand had declared themselves to be Hungarian, a figure slightly higher than the number of those of actual Hungarian ethnic affiliation. The same was true of the Roma. In Slovakia there was a very large number of mixed marriages, especially between Czechs, Slovaks and Hungarians. No basic cultural differences existed between those three groups and they encountered no prejudice. Together with other nationalities, such as Ukrainians, Croats and Germans, the three groups were traditionally perceived as national minorities, i.e. they came from countries with an established organizational structure, a standardized language and a written history. In that sense, they could be directly contrasted with the Roma.

4. The 1991 census had been the first since 1945 to determine the Roma to be a national minority and to grant that population the same constitutional status as other groups. Only 80,000 people had declared themselves to be Roma. Among the reasons for that were the discrimination the Roma had suffered during the Second World War and under the previous socialist system and the fact that a number of Roma considered themselves to be Slovaks or Hungarians, since they regarded their ethnic affiliation as a matter of the language they spoke rather than of race. According to Slovak law, all persons were free to acknowledge their ethnic origin or national affiliation but were in no way obliged to do so. In fact, Slovakia was taking positive measures to eliminate the indirect factors that might make people reluctant to acknowledge their origin or nationality.

5. On the subject of the different models of social conduct which existed, on the one hand for Czechs, Slovaks and Hungarians, and on the other for Roma, no one was able to judge which way of life might be superior. However, a common denominator must exist so that all people could develop freely and harmoniously. That was the main aim of the Constitution and of its implementation in accordance with the rules of international law and good governance.

6. Mr. PAL'OV (Slovakia), responding to the questions raised on police intervention against minorities including Roma, said that all such action must be carried out strictly in accordance with the law. The Penal Code granted citizens their rights and any police officer violating the Code was liable to prosecution for abuse of authority. Any member of the Roma community seeking to become a police officer was subject to the same conditions as all other citizens: all candidates must have completed secondary and/or higher education, be in excellent health, possess personal integrity and be successful in intelligence and psychological tests.

7. The subject of racial intolerance was carefully addressed in the training administered to police officers. Several special schools existed, at both secondary and university level, and a very precise curriculum laid down the rules for police intervention so as to prevent inappropriate conduct on the part of officers. The law was designed to protect citizens' rights, dignity and property. Reference had been made by Mr. Nobel to police intervention in a case involving attacks by Roma on other citizens. The attacks had resulted in damage to property and grievous bodily harm. One month after the incidents had taken place, the seven perpetrators had been arrested by police and arms, including machetes and bayonets, had been seized. All seven suspects had been arrested and subsequently prosecuted. In that case, the police had not acted against the Roma but simply to apprehend a number of serious criminals. The incident involving allegedly brutal police intervention by 100 officers to which Amnesty International had referred had been misreported, since the police had been represented by 50 officers - four to each house. It was true that rubber bullets had been fired, but into the air; the Roma boy who had been injured by a ricochet bullet had been immediately treated in hospital. The use of ammunition of that kind was uncommon in such situations.

8. An internal inspection authority had been set up within the Ministry of Interior to monitor the legality of police activities. The authority worked in cooperation with non-governmental organizations (NGOs) and telephone lines guaranteeing anonymity had been introduced for people to make complaints.

9. On the subject of military service, the Defence Act stipulated that men were obliged to serve, while women were free to do so if they so wished. Legislation was currently being drafted which would be compatible with that of European Union countries and other advanced democracies.

10. In response to the question why skinheads in Slovakia were considered to be a movement, he said that the term "skinhead" had simply been taken from existing terminology elsewhere. It was known that the group constituted one branch of the white power movement, although it was not an organized group as such. There were approximately 1,000 skinheads in Slovakia. The movement contained three subgroups, the nationalist, racist and radical sections, and they were said to be controlled from outside in the sense that they attempted to imitate foreign models. By law, any action taken against skinheads was conducted in accordance with the principle of individuals carrying out crimes rather than one of collective guilt.

11. With regard to racially motivated activities by police officers, there had been cases of prosecution for threats made against Roma, even though they had not been mentioned in the report. Other less severe disciplinary measures were also available.

12. On the subject of asylum and migration, new legislation was being drafted, which incorporated all the recommendations made by the Council of Europe. Slovakia respected the *acquis communautaire* of the European Union. In relation to housing, and more particularly forced evictions, people who defaulted on their rent payments were expelled as a matter of course. There was no racial motivation for such expulsions and no one minority, for example Roma, was targeted. That group was, however, affected owing to a high rate of unemployment and low wage levels.

13. Ms. DŽURNÁ (Slovakia) said that personal freedom was guaranteed by article 17 of the Constitution, which provided that no one could be denied freedom otherwise than by law. The Code of Criminal Procedure stipulated that, when arrested, individuals must have their cases submitted to a court or be released within a 24-hour period. That period was obviously very short and, in the current redrafting of the Code, the period of detention might be extended in order to give the police time to gather more information.

14. In the case of racially motivated crimes, police officers, together with the Prosecutor-General, decided whether particular cases should be submitted to courts, in other words whether racial motivation actually existed. The press was monitored closely for evidence of such crimes. For example, an article had appeared relating to a racial attack on an Afro-Slovak family. In such cases the Prosecutor-General provided guidance for subordinate officers and had issued an order that all related offences should be reported to the Prosecutor-General's Office. The authorities were also in constant contact with NGOs.

15. With regard to acts of violence against foreigners, an attack had occurred in Bratislava against Angolan nationals. The case had already been taken to court, in accordance with article 196 of the Code of Criminal Procedure, and if bodily harm were actually proven, racial motivation would be invoked.

16. In relation to the crime of genocide, article 59 of the Code specified that sentences ranging from 12 to 25 years, or in extreme cases life imprisonment, could be handed down. Terms of life imprisonment were served under the strictest possible conditions and parole was granted only once a minimum period of 25 years in custody had elapsed. In the case of concurrent criminal acts, only the most serious offence was subject to sentencing. In order to deal with criminal activities, the Prosecutor-General's Office and the national Parliament had placed great emphasis on the training of prosecutors to deal with violent crimes. Special courses had been introduced.

17. Returning to the subject of skinheads, she said that the Prosecutor-General's office had established a special team of investigators and police officers to look into the activities of those offering moral and financial support to such groups. Prosecution could well ensue under article 270 of the Code of Criminal Procedure.

18. Ms. IVANOVA (Slovakia) said that the Ministry of Justice had introduced human rights training programmes for judges, together with a series of special seminars. In March 2000, a seminar had been held for young judges relating to the international system of protection for human rights. A similar seminar had been held in June 2000 with the participation of NGOs.

19. With regard to the legal force of international conventions, article 11 of the Slovak National Constitution stipulated that those conventions took precedence in cases where they provided greater protection than domestic law. The International Convention on the Elimination of all Forms of Racial Discrimination could be invoked in Slovak courts. International treaties were binding on the judiciary. If a court found that a domestic law was in contradiction with a treaty to which Slovakia was a party, it would refer the case to the Constitutional Court. Seven associations had been officially denied permission to register because they espoused racial intolerance, denied the personal or political rights of citizens on the basis of nationality, gender, political beliefs or other factors, or promoted violence.

20. In a legal case involving a racially motivated criminal act committed against a member of the Roma minority, the finding of the court of first instance had recently been overturned by the court of second instance, as the latter had considered that the definition of racial discrimination contained in the Convention should be used in assessing the case.

21. Mr. GALBAVÝ (Slovakia) said that, although pre-school education was not mandatory, some 90 to 95 per cent of children were enrolled. However, only about 8 per cent of Roma children attended pre-school classes. Schooling was mandatory from the age of six, and Roma children were relatively disadvantaged from the start because of their failure to attend pre-school institutions, their lack of knowledge of the official language and a general lack of interest in schooling on the part of their parents and community, which did not place a high value on formal education. The Government had initiated a pilot programme in four communities to encourage Roma families to send their children to pre-school institutions, and intended to extend that programme to 50 other communities with a high concentration of Roma in the near future.

22. The number of kindergartens had dropped from 4,225 to 3,310 in five years owing mainly to a decrease in births in certain areas and high operating costs. The major cities had been most seriously affected. The Government was concentrating its efforts on maintaining kindergartens in places where there was a relatively high demand for them, which accounted for the fact that none had been closed in predominantly Roma areas.

23. To combat absenteeism among Roma children, the Government was undertaking to increase their educational motivation and to inculcate educational values in Roma parents, with some success so far. Roma children were assigned to special schools only with the consent of their parents or guardians, and in strict accordance with specific procedures laid down by law.

24. The pilot programme which supported the Educational Centre for the Development of the Roma National Minority in Kosiče had proved its worth, as the students there had demonstrated increased interest in secondary studies, in particular in music and the arts. It had received a further State subsidy for the current year.

25. The education system was about to undergo an extensive reform, culminating in the adoption of a national programme for education and in the promulgation of a new Education Act to replace the current one, which dated from 1984. The comments concerning education made by the Committee members were highly appreciated and would be taken into consideration in the adoption of the new provisions.

26. Ms. JARÁBIKOVÁ (Slovakia) said that article 34, paragraph 1, of the Constitution of Slovakia set out the right of national minorities to disseminate and receive information in their languages. The most detailed international instrument in that field was the Framework Convention for the Protection of National Minorities, the provisions of which had been taken up in domestic law. Members of the Hungarian national minority were able to study in their national language at branches of Hungarian universities which had been set up in towns near the border. In 2000, the Government had concluded an agreement with the Hungarian Government for the mutual recognition of university degrees. The Constantine the Philosopher University in Nitra had set up special sections for the training of primary and secondary school teachers from the national minority groups, including the Hungarians, Roma and Germans. In 1992 a branch of that university located in northern Slovakia had established a department of Roma studies, which currently had an enrolment of about 500 students, including many who were not from the Roma minority.

27. Under a recently adopted law, in villages where at least 20 per cent of the population spoke a minority language, that language could be used for official communication. There were currently over 600 such villages in the country. The Government had expressed its desire to accede to the European Charter for Regional or Minority Languages. Joint committees had been established with the Governments of neighbouring countries, with the aim of defending the interests of national minorities.

28. There were broadcasts and periodicals in the languages of the national minorities, including Roma, and a Department of National Minority and Ethnic Broadcasting had been set up in 1999. The influence of the mass media in combating racism had been noted by the National Conference against Racism held on 18 May 2000, which had recommended that broadcast time and space in publications should be dedicated to that task.

29. Mr. GURÁN (Slovakia) said that the national unemployment rate had stood at over 19 per cent in July 2000. State employment offices did not collect data on the ethnic background of job-seekers. Nonetheless, it was clear that unemployment was a particularly acute problem among the Roma because the rate was sometimes twice as high in areas where they predominated. The high unemployment among the Roma was primarily attributable to their lack of education, but also to a lack of jobs. The Government had initiated retraining courses with a view to alleviating the problem. A new amendment to the Employment Act had instituted a programme for the long-term unemployed.

30. Resident aliens in Slovakia had the same rights and enjoyed the same entitlements to social and welfare services, including family benefits, as citizens.

31. Mr. NAGY (Slovakia) said that the Ministry of Health had recorded no complaints of failure to administer medical treatment to persons because of their ethnic origin. Medical personnel were obliged by law to provide services without any discrimination. Any treatment must be registered in the patient's medical file, which would thus be available to substantiate allegations of denial of prior treatment in court. Failure to provide treatment would, of course, entail liability to prosecution.

32. The level of hygiene in terms of a clean water supply and sanitation was lower for the Roma than for most of the population, and it was generally worse in the eastern part of the country than in the west. Parents with small children were given the opportunity to test their water free of charge, and if necessary they were furnished with a clean and hygienic substitute water supply.

33. Mr. DANIHEI (Slovakia) said that, as a member of the Roma community, he admired the Committee's profound knowledge of the situation of the Roma, which was a subject of concern not only in Slovakia but throughout Europe. The Slovak Government had recognized the importance of the question and had expressed its political will to address it by focusing on such sensitive areas as education, culture, language, housing, employment, social welfare and health. For the first time in history, the Roma were invited to take an active part in tackling such problems. That the Government had expressed its desire to see the Roma play a greater role in the public administration was in itself of great importance to the Roma communities both inside and outside Slovakia.

34. In 1991, the Slovak Government had been the first to recognize the existence of the Roma minority. With the establishment one year previously of the Office of the Commissioner for Dealing with Roma Minority Affairs, there was now a government body to suggest, coordinate and monitor possible solutions aimed at improving the position of that community in society. The office, which was still developing, currently had nine employees.

35. There was an ongoing discussion in the media about ways to influence public opinion so as to overcome the stereotypes and prejudices that persisted in some parts of the population. The better the Roma culture was known and understood, the more tolerance there would be. There were therefore plans to publish texts for primary school pupils to teach Roma history to all Slovak children, and it was hoped that the media would begin to present positive examples, including motivational models, which were currently lacking.

36. The Government had recognized the Roma as a distinct ethnic group in 1991, but in the 1991 census relatively few Roma had identified themselves as such, which was not surprising given the previous regime's attempts to assimilate them. Current, more accurate estimates put the Roma population at approximately 500,000, the largest in proportion to the general population of any country. The fact that the Roma often had distinctive physical features and names and lived apart from the general population had made it easier to estimate their numbers more accurately. Approximately 125,000 Roma lived in some 600 small settlements as virtual squatters, without legal title to the land or adequate water and sanitation services. The Government intended to resettle them in proper housing and he stressed that it attempted to involve the Roma themselves in such efforts, rather than simply imposing a fait accompli, so that they would feel some ownership for the process.

37. With regard to relations between the police and the Roma, efforts were being made to recruit more Roma police officers and 15 Roma candidates had recently graduated from a special training course. The Ministry of Education was also involved in an upgrading programme to bring 40 Roma applicants, including some girls, up to the baccalaureate level in order to qualify them for careers in the police.

38. The Government was committed to a candid and frank dialogue with the Committee; it recognized the existing problems and fully intended to address them. It would give all due consideration to the comments and recommendations of the Committee.

39. Mr. de GOUTTES stressed that education and training were the fundamental prerequisites for ensuring access to employment, integration into society, beginning with the administration, and the elimination of stereotypes. The Roma themselves must be made aware of the importance of education with a view to reducing the high rate of absenteeism and teachers must be specially trained in strategies to meet the needs of the Roma more effectively. The problem, of course, was that, in assigning the Roma to special classes, there was a risk of in fact further isolating and stigmatizing them and contributing to their continued ghettoization. In that context, he wondered what action the Government was taking within the framework of its overall strategy on the Roma.

40. Mr. ABOUL-NASR stressed that it was not enough to "recognize" the problem and expressed "willingness" to address the issues. Effective measures must be taken and it was essential that the Roma themselves should be heard and that they be involved in the resolution of any problems; he wondered in particular about relations between the police and the Roma. He applauded the delegation for including a Roma representative and wondered whether Slovakia would be participating in the Committee's forthcoming thematic discussion on Roma.

41. Mr. PETÖCZ (Slovakia) said in response to the question by Mr. de Gouttes concerning the risk of ghettoization of the Roma that, like other minorities, the Roma had the right to be educated in their own language. The situation was complicated, however, by the fact that there was no standardized form of the Roma language and the Romas' knowledge of Slovak was often inadequate. University-level training was available in Roma for future teachers but the first basic Slovak-Roma dictionary had only been published in 1996. With regard to Mr. Aboul-Nasr's question about relations between the Roma and the police, he said that there were already a number of Roma police officers, including higher ranks, and efforts to recruit more Roma officers would continue.

42. Mr. PILLAI (Country Rapporteur) thanked the delegation of Slovakia for the information provided, which the Committee would take into account when formulating its recommendations, although he stressed the need to provide more detailed statistical data. The State party clearly recognized the problems involving the Roma and the need to empower them and increase awareness of such issues among civil servants at the grass-roots level who dealt most directly with the Roma, in particular the police. He welcomed the planned promulgation of a new law on immigration and asylum in the following year which would meet European standards. Further information from NGOs on the issues of human rights and racially motivated crimes would assist in assessing the situation in those areas. He was confident that the next periodic report would describe continued progress in improving the situation of the Roma.

43. Mr. PETÖCZ (Slovakia) expressed his pleasure at having presented the first report of the new Republic of Slovakia to the Committee and looked forward to continuing the dialogue. He hoped that the Committee recognized the enormous task which the Government had had before it

since 1993 in creating new institutions, beginning negotiations with the European Union and the Organization for Security and Cooperation in Europe (OSCE), amongst others, and meeting its reporting obligations to the treaty bodies.

44. The CHAIRMAN thanked the delegation of Slovakia for an exemplary exchange of views with the Committee.

45. The delegation of Slovakia withdrew.

ORGANIZATIONAL AND OTHER MATTERS

46. Mr. ABOUL-NASR, recalling the informal presentation made by the delegation of the Shoshone Indians on the previous day, suggested that the Bureau might wish to consider requesting the Chairman to write a letter on behalf of the Committee to the authorities of the United States of America expressing the Committee's hope that the concerns of the Shoshone would be addressed urgently by the competent authorities.

47. Mr. NOBEL supported the proposal made by Mr. Aboul-Nasr and further suggested that a possible model for such a letter could be the first letter that the Committee had addressed to the Australian authorities on a very similar issue.

48. The CHAIRMAN said it was his intention to raise that issue with the Bureau and he would inform the Committee of the Bureau's decision.

The meeting rose at 12.25 p.m.